

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

ROSE LORENZO, and all others)
similarly situated,)
)
Plaintiffs,)
)
) **Civil Action No. 5:12-cv-69-H**
v.)
)
PRIME COMMUNICATIONS, L.P.,)
)
Defendant.)

**MOTION TO DECLINE SUPPLEMENTAL JURISDICTION, OR, ALTERNATIVELY,
TO BIFURCATE**

Defendant Prime Communications, L.P. (“Prime”) herein moves the Court to decline supplemental jurisdiction. As set forth more fully in the accompanying Memorandum of Law filed in support of this motion, while this Court has jurisdiction over the FLSA claims because they arise under a federal statute, supplemental jurisdiction over the NCWHA claims is lacking because the NCWHA claims (1) do not involve “the same case or controversy” as the FLSA claims; (2) involve novel and complex issues of North Carolina law; and (3) substantially predominate over the FLSA claims.

In the alternative, Prime respectfully requests the Court to bifurcate this litigation. The referenced matters should not be tried together as they present different issues, are based upon different facts, would be unduly burdensome to be presented together and would create confusion among the jury.

This the 5th day of April, 2017.

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2017, I electronically filed the foregoing MOTION TO DECLINE SUPPLEMENTAL JURISDICTION, OR, ALTERNATIVELY, TO BIFURCATE with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

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